

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6992

BILL NUMBER: SB 333

NOTE PREPARED: Dec 30, 2003

BILL AMENDED:

SUBJECT: Candidate Residency; Vote Fraud.

FIRST AUTHOR: Sen. Mrvan

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill has the following provisions:

(A) The bill increases to a Class C felony the penalty for voting in a precinct other than the precinct in which the voter is entitled to vote.

(B) The bill makes it a Class D felony for a candidate for a legislative, local, or school board office to live outside the election district the candidate seeks to represent.

(C) The bill requires a voter voting in person, an inspector opening an absentee ballot in a precinct, or an absentee ballot counter to announce the voter's name and address in a distinct tone so that those eligible to challenge the voter can hear the announcement.

Effective Date: July 1, 2004.

Explanation of State Expenditures: *Summary:* (A) Under the bill, a person who knowingly or intentionally votes or offers to vote in a precinct that the voter is not registered in would commit a Class C felony. Additionally, a person that knowingly hires or solicits a person to enter an Indiana precinct to vote when the hired person is not a registered voter of Indiana or the precinct would commit a Class C felony. Under the bill, persons that would knowingly apply for or receive a ballot in a precinct other than the precinct in which the person is entitled to vote would also commit a Class C felony. Under current law, the above listed crimes are Class D felonies.

(B) Under the bill, a person that becomes a candidate for a legislative, local, or school board office that does

not reside in the election district the person seeks to represent would commit a Class D felony.

Background: There are currently no individuals convicted of an election crime in a Department of Correction (DOC) facility.

Penalty Provision Class C Felony: A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances.

Penalty Provision Class D Felony: A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances.

Housing of Offenders Class C and D Felonies: Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years; and for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C or D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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